

BCFGA



Bulletin

1473 Water Street
Kelowna, BC
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July 27, 2012

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Harvest Time

Replant Program Update

We regret the delay in providing an update to growers – we were busy resolving the new Replant Program guidelines. The BCFGA met with the Minister of Agriculture Don McRae and local MLAs to try to achieve guidelines which are acceptable to most growers. The BCFGA was not successful in this effort, and the Minister recently decided to retain the guidelines announced on May 23, 2012.

As a result of the Minister's decision, 2013 plantings will be eligible for the program, but *not* 2012 plantings. Applications for the 2013 program will be available through the BCFGA office or website in October-November, 2012.

Also, the Replant Program guidelines require that the *type of tree fruit replanted* to be the same as the *type of tree fruit removed*. This means that if apples are removed, only replant to apples is eligible for the grant. If cherries are removed, then replant to cherries is eligible for the grant. If apples are removed and cherries replanted, the project is *not* eligible for the grant. To comment directly to the Minister about the guidelines, contact the Minister's office at 250-387-1023, or call Service BC at 1-800-663-7867 and ask to be connected the Minister of Agriculture's office.

Replant Program Schedule

- October-November, 2012. Finalize application and make available on BCFGA website.
- December, 2012 - February, 2013. Review and respond to applications.
- May 2013. Growers complete replant projects.
- July-September, 2013. Replant projects inspected.
- August - October 2013. Replant claims paid.

Provincial funding of \$2 million has been provided to the Replant Program and is anticipated to fully fund 2 or 3 years of applications.

Growing Forward 2

The federal-provincial agreement to cost share various programs is being renegotiated under the cloud of federal budget cutbacks. Reductions in Growing Forward 2 programs are were considered at the July 6 Federal-Provincial Ministers' conference.

The federal government proposes to focus the cutback on the AgriStability Program. Of the \$400 million in cutbacks, the federal Minister aims to reallocate about \$100 million to innovation programs.

The full BCFGA response to the Growing Forward 2 programs is included on the following page.



The British Columbia Fruit Growers' Association

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July 4, 2012

The Honourable Don McRae
Minister of Agriculture
Parliament Buildings
Victoria, BC V8V 1X4

Re: Growing Forward 2

Dear Minister McRae:

We appreciate the recent consultations you have held with industry on Growing Forward 2, through the BC Agriculture Risk Management Advisory Committee and the Growing Forward 2 Minister's Advisory Council. The timeframe for responding to complex program changes being proposed in Growing Forward 2 is, nonetheless, too short for adequate consultation with our members. However, we are able to provide some immediate response, as follows.

The changes being contemplated in Growing Forward 2 will have far-reaching implications. The biggest implication is a net reduction in federal agriculture programming. We make the following observations:

1. Canadian agriculture producers already lag behind US competitors in the funding of agriculture programs. We feel that, at a minimum, **cuts to agriculture programming in Canada cannot be done in advance of cuts to US federal agriculture budget, nor can the cuts for our programs be larger than the US cuts.**
2. Of the two options presented in the June 25 and July 3 consultations, we cannot state a preference without further analysis of the impact on producers. It may be better to concentrate the reductions in one program, namely AgriStability, due to the unpredictable way the program has worked, as well as the very high cost of administration of the program. **If either of the options proposed by the federal government is taken, then the government should take the opportunity to simplify AgriStability administration by moving away from individual payments to commodity-wide payments.** This simplified process will release some administration funding that can be directed to grower benefits. The result will be a more responsive and predictable program, with payments made faster, and reduced administration directed to increasing the benefits for producers.
3. If funding is transferred from Business Risk Management to Innovation Programs, then there is to some extent a parallel transfer of program resources from non-supply management to supply management. Supply management is not eligible for AgriStability benefits when margins drop by less than 30%. However, reducing AgriStability from the 85% coverage level to the 70% coverage level would take funding away from non-supply management production. Transferring funds saved from the reduced AgriStability coverage to Innovation or Strategic Initiative Program will in effect transfer program funds from non-supply management to supply management. The design of **new Innovation Programs need to eliminate the potential transfer of program funds to the supply management sector.**

4. There is an imperative to cut the federal budget. There is not the imperative to cut the BC budget. However, if BC provides matching funds to the federal program, then cuts to the federal program will result in cuts in the BC agriculture budget. The BC agriculture budget is already extremely low compared to other provinces when taken as a percentage of agriculture GDP. Therefore, any reduction in matching funds provided by BC to GF2 should be redirected to new BC-based programs. We estimate that the reduction in matching funds for GF2 that are provide by BC to be \$8 million per year. This provides the provincial ministry with \$8 million of unused budget to create new BC-based programs.

Transfer of the **provincial savings in the matching Growing Forward 2 program should be reallocated to the EFP and Food Safety Programs**, which seem to be chronically underfunded and frequently disrupted. Also, funding could be used to expand the programs to include items long sought by industry, such as **wildlife fencing and sanitary facilities for workers** (see www.orfh.org for an example of how competitors get help from the Washington State government).

We trust that these observations and recommendations will be useful to you in the upcoming federal-provincial Ministers meeting.

Sincerely,
Kirpal Boparai
President

New Cherry Variety Selections from the Pacific Agri-Food Research Centre

A viewing of the newest cherry variety selections is being held to allow growers and other interested people to view varieties and selections that are picked at the latest point in the harvest period.

Time: 6:00 – 8:00 pm

Date: Thursday, August 23, 2012

Place: Ornamental Gardens, Pacific Agri-Food Research Centre, 4200 Hwy 97, Summerland

GMO Apple – background and response to the CFIA, and Ministers of Health and Agriculture

The BCFGAs Annual General Meetings have considered and passed the following resolutions on the introduction of Genetically Modified apples:

(Approved at the January 28, 2011 BCFGAs Convention - 14 in favour, 4 opposed)

Therefore be it Resolved that the BCFGAs not support the open field release of GMO tree fruits in Canada until the government can provide the assurance and indemnity to industry that there will be no impact of the introduction of GMOs on the market returns for tree fruits, and

Further Be It Resolved that the Government of Canada not approve GMOs for open field release until a protocol in place to assure there is no impact on organic farm certification from the introduction of tree fruit and other GMOs.

At present, Health Canada is considering an application to release a GMO apple, called the Arctic Apple, which has had the genes modified which controlling browning of cut apples. The CFIA/Health Canada provided an opportunity for comment on the possible approval of the Arctic Apple, and the BCFGAs provided several comments to the reviewers in support of the opposition of its membership to tree fruit GMOs.

The BCFGAs partnered with the Quebec Apple Growers' Association to conduct a national public opinion survey on genetically modified food. The Quebec Apple Producers oppose the release of genetically modified tree fruit. The results of the survey were transmitted to the CFIA. See the table below for a summary of the survey and the BCFGAs website for the complete survey report.

Statement	Agree/disagree with statement
Are you in against genetically engineering of food for any purpose.	49% agree
Are you in favour of approval of this (Arctic) apple by Health Canada?	69% No
The Canadian government has provided you with adequate information about GM foods so that you can make an informed decision	76% No
Should a GM food label be made be made mandatory?	91% Yes
Are you in favour of a special category of basic food that should not be genetically engineered?	71% Yes

The Apple Working Group of the Canadian Horticulture Council reviewed information and discussed the CFIA review of the Arctic Apple. The group passed a motion calling for a moratorium on the review and release of the Arctic Apple. The BCFGAs is preparing letters are being prepared to the federal Ministers of Health and Agriculture to request a moratorium on the review of the Arctic Apple.

Farm Workers

Definition of a 'Farm Worker'

A farm worker is defined in the Employment Standards Regulation as a person employed in a farming, ranching, orchard or agricultural operation and whose principal employment responsibilities consist of any of the following:

- Growing, raising, keeping, cultivating, propagating, harvesting or slaughtering the product of any of the above operations.
- Clearing, draining, irrigating or cultivating land.
- Operating or using farm machinery, equipment or materials for the above purposes.
- Direct selling of a product of any of the above operations if the sales are done at the operation and are only done during the normal harvest cycle for that product.
- The initial washing, cleaning, sorting, grading or packing of an unaltered product produced by the operation, or a similar product purchased from another operation during the normal harvest cycle for that product.

A farm worker does not include any of the following:

- A person employed to process the products of a farming, ranching, orchard or agricultural operation.
- A landscape gardener or person employed in a retail nursery.
- A person employed in aquaculture.

Farm workers are covered by most sections of the *Employment Standards Act* and *Regulation* with certain important exceptions described below.

Minimum Wage

Farm workers who harvest specified crops by hand may be paid by piece rate. If an employer chooses to pay a piece rate, farm workers must be paid at least the minimum piece rate for each crop as set out in the Regulation. These piece rates are listed below.

Where farm workers are being paid on a piece rate basis, the employer must post notices stating:

- The volume of the picking containers;
- The volume or weight of the crop needed to fill a container; and
- The piece rate for the crop.

All other farm workers, whether they are paid hourly, by salary or by any other method must be paid **at least** the minimum wage as follows:

May 1, 2011 – \$8.75 per hour;

November 1, 2011 – \$9.50 per hour; and

May 1, 2012 – \$10.25 per hour.

Note: Farm workers under the Seasonal Agricultural Worker Program (SAWP) must be paid in accordance with the SAWP contract. For further information on the SAWP contract, please contact Human Resources and Skills Development Canada at 604-687-7803 or toll-free within British Columbia at 1-888-246-7712.

Paying wages

All farm workers must be paid **at least** twice a month.

Hourly and salaried farm workers must be paid all wages within eight days of the end of the pay period.

Piece-rate harvesters may be paid at least 80 percent of total estimated wages owing at the middle of each month. All remaining wages must be paid within eight days of the end of the month.

Licensed Farm Labour Contractors must pay wages directly to the employee's bank account.

Deductions from Wages

An employer must not, directly or indirectly, withhold, deduct or offset any employee's earnings except for statutory deductions required by law (i.e. income tax, CPP and EI) or with the written authorization of the employee.

Regardless of an employee's written authorization, an employer cannot require an employee to pay any portion of an employer's cost of doing business.

Overtime

Farm workers are not entitled to overtime pay. However, an employer must not require or allow a farm worker to work excessive hours detrimental to the employee's health or safety.

Annual vacation and vacation pay

Vacation pay for piece-rate harvesters is **included** in the piece rates shown below.

Farm workers paid a salary or hourly rate are entitled to:

- Two weeks vacation after 12 consecutive months of employment and three weeks vacation after five consecutive years of employment.
- Vacation pay of four percent of total earnings after five days of employment and six percent of total yearly earnings after five years of employment. (See *Annual Vacation* factsheet.)

Vacation pay is to be paid:

- at least seven days before the start of the annual vacation, or on regular pay days if agreed to in writing by the employer and the employee; or
- if employment ends before one year, on the final pay cheque.

Statutory Holidays

Farm workers are excluded from statutory holiday entitlements.

Wage statements

On paydays, an employer must give each employee a written wage statement that includes the following information:

- The employer's name and address;
- The number of hours worked;
- The employee's wage rate, whether hourly, salary, flat rate, piece rate, commission or other incentive basis;
- Any money, allowance or other payment the employee is entitled to;
- The amount and purpose of each deduction;
- How the employee's earnings are calculated if the employee is paid other than by the hour or by salary; and
- The employee's gross and net wages, and any amounts withdrawn from the employee's time bank and how much remains.

continued...

Minimum Wage for Piece Work Crops Effective May 1, 2011

The minimum wage for farm workers who are employed on a piece work basis and hand harvest the following crops is as follows: (rates include vacation pay of four percent of earnings):

Apples	\$ 17.06/ bin (27.1 cu. ft.)
Apricots	\$ 19.62/ ½ bin (13.7 cu. ft.)
Beans	\$ 0.234/ pound
Blueberries	\$ 0.396/ pound
Brussels Sprouts	\$ 0.163/ pound
Cherries	\$ 0.224/ pound
Grapes	\$ 18.13/ ½ bin (13.7 cu. ft.)
Mushrooms	\$ 0.235/ pound
Peaches	\$ 18.13/ ½ bin (12.6 cu. ft.)
Pears	\$ 19.21/ bin (27.1 cu. ft.)
Peas	\$ 0.292/ pound
Prune plums	\$ 19.21/ ½ bin (13.7 cu. ft.)
Raspberries	\$ 0.357/ pound
Strawberries	\$ 0.343/ pound

Daffodils*	\$ 0.137/ bunch (10 stems)
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*The rate for daffodils **does not** include vacation pay.

For more information, please contact the Employment Standards Branch:

A207 – 20159 88th Avenue E
Langley BC V1M 0A4
Facsimile: 604 513-4622

Or call the Agricultural Compliance Hotline:
604 513-4604



BCFGA Seasonal Labour Orientation Project

The BCFGGA has operated a seasonal labour orientation project for 6 of the past 7 years. The purpose of the project is to provide 2 hour orientation workshops to new workers – primarily aimed at Quebecoise youth, but also open to all new workers. Orchard safety (ladder safety, heat exhaustion), worker and employer responsibilities, employment standards, efficient picking, maintaining fruit quality, safety and security, and availability of services (camping, etc.) are part of the training. The project also helped growers find workers.

Unfortunately, due to financial constraints, the BCFGGA is unable to carry on the project for the summer of 2012. The financial situation will be reassessed after harvest.

To find workers, call one of the following Work BC offices in your area.

Work BC Centers Okanagan

Penticton - YMCA-YWCA of the Central Okanagan

50 Calgary Avenue
Penticton, BC, V2A 2T6
Tel: 250-770-5627 / 1-855-770-5627 / Fax: 250-492-8190
Email: workbcinfo@ymca-ywca.com / website: www.ymca-ywca-workbc.ca
8:30 am to 4:30 pm, Monday to Friday

Oliver - Open Door Social Services Society

291 Fairview Road, Unit D&E
Oliver, BC, V0H 1T0
Tel: 1-866-377-3670
Email: info@opendoorgroup.org / website: www.opendoorgroup.org
8:30 am to 4:30 pm, Monday to Friday

Kelowna - MAXIMUS Canada Employment Services Inc.

102-1460 Pandosy Street
Tel: 778-478-8390 / 778-484-5329
Email: info@MaximusWorkbc.ca / website: www.MaximusWorkbc.ca
8:00 am to 4:30 pm,
8:00 am to 4:00 pm - Resource Centre

Vernon - Community Futures Development Corporation - North Okanagan

3105 33rd Street
Vernon, BC, V1T 9P7
Tel: 250-545-2215 ext 219 or 200 / Fax: 250-545-9831
Email: info@futuresbc.com / website: www.futuresbc.com
8:00 am to 5:00 pm
(public access is 9:00 am to 5:00 pm)

BC Drivers License Exemption for workers under the Seasonal Agriculture Worker Program

Recently, an RCMP officer gave a ticket to a SAWP worker under the Motor Vehicle Act section 24(1) which requires a vehicle operator to have a valid BC Drivers License. Unfortunately, this officer was unaware that Mexican and Caribbean workers can legally operate a vehicle, who are here under the SAWP program.

SAWP workers do not require a BC Drivers License if they carry

- a valid drivers license for their home country, and
- a valid work permit issued under the SAWP program.

The driver is restricted to the class of vehicle for which the Mexican Drivers License is issued.

Growers may wish to keep a copy of the following in any vehicle which Seasonal Agriculture Workers are driving, in order to provide the RCMP with the Act and Regulations concerning this exemption. Workers may need to show this information to the police officer.

Motor Vehicle Act – current to June 13, 2012

[RSBC 1996] CHAPTER 318

Exemption of non-resident and new resident drivers

(1.1) Subject to subsection (1.2), the following persons are exempt, for the period specified, from the requirements respecting the holding of a driver's license issued to him or her under this Act:

(d) a person who

- (i) has a validly issued and subsisting driver's or operator's license or permit issued according to the laws where he or she is ordinarily resident,
- (ii) has entered into an agreement under which the person will work in British Columbia, as part of a program or in the circumstances specified by regulation, for a period longer than 6 months but shorter than one year, and
- (iii) is in a prescribed class of persons,

for the period during which the person works in British Columbia under the agreement.

Order in Council No. 520, Approved and Ordered July 29, 2010

The Motor Vehicle Act Regulations, BC are amended by adding the following Division:

Seasonal agricultural workers 30C.01

(1) In this section, "Seasonal Agriculture Worker Program" means the program administered by the government of Canada and known as the "Seasonal Agricultural Worker Program".

(2) The Seasonal Agriculture Worker Program is specified for the purposes of section 34 (1.1)(d)(ii) of the Act.

(3) For the purposes of section 34 (1.1)(d)(iii) of the Act, a person who meets all of the following requirements is in a prescribed class of persons;

- (a) the person is not a Canadian citizen;
- (b) the person is not a permanent resident, as defined in the Immigration and Refugee Protection Act (Canada);
- (c) the person is working in British Columbia in the agricultural sector.

Employment Standards

Punjabi Language also available

Piece rates did not increase with the latest hike in the minimum wage. The BCFGGA and BC Agriculture Council were successful in requesting that piece rates be analyzed with respect to the new minimum wage rate of \$10.25 per hour. This review has resulted in a decision *not* to increase piece rates. Thank you to the growers who opened their books and accounting records to the consultant studying piece rates.

Included in this newsletter is a pull out section of the BC Employment Standards. We have also included a Punjabi language insert for Punjabi heritage growers.

Seasonal Agriculture Worker Update

Many Seasonal Agriculture Workers have arrived for the season. Approximately 1,200 workers are expected in the Okanagan under the SAWP program in 2012. Almost all of the workers are from Mexico, but an increasing number of workers are from Jamaica and the Caribbean. Several growers have also applied to the Low Skill Worker Program (similar to SAWP, but without the involvement of the foreign government) – the main countries of interest are El Salvador and Guatemala.

The BCFGGA is making plans to hold a Winter workshop on how the program s work, grower experiences with the programs, and how to apply to the programs.

BCFGGA Cherry Committee News

The BCFGGA Cherry Committee held its inaugural meeting on June 18, 2012. The committee reviewed the cherry sector's strengths, weaknesses, opportunities and threats. Major topics of discussion were labour, risk management programs, foreign markets, research, farm safety, and crop protection. The committee recommended to the executive to look favourably at an area-wide approach to monitoring cherry pests, while noting that service cost is a significant issue for growers. The committee also agreed to recommend that the main areas of program delivery for the BCFGGA be the development of a Cherry Crop Profile (to facilitate access to new pesticides), facilitating Pest Risk Assessments (for access to export markets), and communication.

BCFGGA Membership Committee News

The BCFGGA Member Services Committee met April 13, 2012. The committee reviewed the proposed update to the Constitution, tabled at the January Annual Convention. The committee recommends deleting the specific reference to table grapes. This can be handled by a policy or bylaw change if needed, in future. The BCFGGA role in promotion received consideration, and the committee recommends changing the wording "facilitate the successful marketing of..." to "promote consumption of tree fruits". The constitutional items were placed in a different order. Delegates indicated they wanted to promote item on representing growers' interests to government to the head of the list. The next step will be review and comment by members at the November Regional Annual Meetings.

Budding and Grafting Program - Update

The 2012 Budding and Grafting program is funded by \$200,000 of funding remaining from the prior Replant Program. This funding has been fully allocated and a wait list established. The BCFGAs has asked that the wait list be funded from the new Replant Program funding. A reply is expected shortly. The approved applicants will begin to have projects inspected in August.

Funding for On Farm Projects – EFP and On-Farm Food Safety Funding Runs out

Environmental and Food Safety requirements add cost to growers' operations, but provide no increase in revenue. To recognize the value of environmental and food safety improvements, the federal and provincial governments provide funding to growers for these 'public goods'.

Unfortunately, funding for *on-farm projects* is fully allocated for this fiscal year. However, if you want to be ready to submit a funding application on January 1, 2013, then now is the time to schedule a visit from a food safety or EFP program advisor. The advisors will be able to help you understand the programs and program requirements. Then, the advisor can help you apply for on-farm funding for next year (when the time comes).

On-Farm Food Safety Outreach Program

Help is available for growers who wish to complete the Canadian Horticultural Council's On Farm Food Safety Program. The Outreach Program is for those growers who do not belong to the Okanagan Tree Fruit Cooperative (OTFC) or wish to achieve food safety for commodities that are not shipped to the OTFC. OTFC has directly received funding assistance to help register growers in a food safety program.

If you are a grower and need assistance to register for on-farm food safety, you can receive this assistance at no charge by contacting:

Joe Lariviere at 250-689-0498

Environmental Farm Plan – to obtain help in completing and plan and applying for assistance

Getting advisor help to complete an Environmental Farm Plan is free of charge and confidential. The planning advisors for the tree fruit growing area are:

EFP Advisor	Email	Telephone	Operating out of
Clay Campbell	crested@telus.net	250-499-2412	Keremeos
Dave Zehnder	dzehnder@telus.net	250-342-0325	Invermere
Duane Holder	dholder@telus.net	250-428-1742	Creston
Erika Davidson	iraka_12@hotmail.com	250-306-2448	Enderby
Joe Larivere	Joe.lariviere@vip.net	250-689-0498	Oliver
Pete Spencer	pspencer@uniserve.com	250-764-0376	Kelowna

BCFGA Business Plan 2012 - priorities

Mission-related Priorities

Priority	Goal
1	Funds for growers through programs – ALR Program
2	Replant
3	Apple Research and Promotion Agency
4	Water
5	Labour
6	Public Relations
7	Area-wide Pest Management
8	Columbia River Treaty

Administration- and Governance-related Activities

Activities
Industry strategy – renewal
Accord –coordination, monitoring progress.
Grower communications.
Program operation.
Delivery of services to growers.
BCFGA governance – bylaw review

BCFGA Kelowna Office- call 250-762-5226 (Kelowna) or 1-800-619-9022

Name	Title	Telephone (Extension)
Glen Lucas	General Manager	23
Elaine Miedema	Member Services Coordinator	21 – part-time, M, W, F
Sheila MacGregor	Accountant	22

BCFGA Executive 2012

Executive member	Telephone	Location
Kirpal Boparai (President)	712-2247	Kelowna
Jeet Dukhia (Vice-Pres.)	545-1780	Vernon
Madeleine van Roehoudt	864-9147	Lake Country
Amarjit Lalli	491-8661	Kelowna
Jora Dhaliwal	764-9078	Kelowna
Denise MacDonald	494-1347	Summerland
Peter Simonsen	496-5156	Naramata
Nirmal Dhaliwal	498-4119	Oliver

Membership in the BCFGAs

The BCFGAs are the growers' parliament. It is the group which represents tree fruit growers to government and the public. What is the benefit? With a strong membership, the BCFGAs have a stronger voice with government in the areas of programs, regulations and taxes. All Okanagan Tree Fruit Cooperative (OTFC) shippers are members of the BCFGAs. This support has strengthened the BCFGAs and collaboration between the BCFGAs and OTFC helps achieve industry goals. Independent members are also members of the BCFGAs, but join voluntarily. 'Independent' growers who do not ship to the Okanagan Tree Fruit Cooperative, may join the BCFGAs – call Elaine at 250-762-5226 ext. 21 today.